

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Beaver County Employees' Retirement
Fund et al.,

Case No. 14-cv-786

Plaintiffs,

v.

ORDER

Tile Shop Holdings, Inc. et al.,

Defendants.

This matter is before the Court pursuant to Lead Plaintiffs' Motion for a Protective Order, (ECF No. 152), Lead Plaintiffs' Motion to Compel the Production of Documents by the Tile Shop Defendants, (ECF No. 160), and Defendants' Joint Motion to Compel Discovery, (ECF No. 163). The Court held a hearing on December 10, 2015, and heard argument from all parties on the above-described motions. (ECF No. 195). With the Court's direction given at the hearing, the parties submitted to chambers on December 18, 2015, a letter and discovery grid, resolving their discovery disputes.

Based upon the record, memoranda, proceedings herein, and the resolution reached by the parties, **IT IS HEREBY ORDERED** as follows:

1. Lead Plaintiffs' Motion for a Protective Order, (ECF No. 152), is **GRANTED IN PART and DENIED IN PART**, and Defendants' Joint Motion to Compel Discovery, (ECF No. 163), is **GRANTED IN PART and DENIED IN PART** as follows:

a. Beaver County Employees' Retirement Fund and Erie County Employees Retirement System shall produce their transactions in all equity securities for the

period of February 1, 2011 to February 1, 2014, and documents reflecting investment strategies maintained by Emerald Advisers, Inc. for the same period.

b. Luc De Wulf shall advise TD Ameritrade, Inc. to comply with the subpoena served by Defendants on October 27, 2015, for the time period of February 1, 2011 to February 1, 2014.

c. Plaintiffs shall provide the names of all investment brokers/dealers and advisors they utilized from February 1, 2011 to February 1, 2014.

d. Beaver County Employees' Retirement Fund, Erie County Employees Retirement System, and Luc De Wulf shall search for and produce all deposition or trial transcripts and affidavits in any investment related lawsuits from January 1, 2007 to the date of this Order.

2. Lead Plaintiffs' Motion to Compel the Production of Documents by the Tile Shop Defendants, (ECF No. 160), is **GRANTED IN PART and DENIED IN PART** as follows:

a. For Tile Shop non-custodian documents, and custodians Robert Rucker, Fumitake Nishi, and Joseph Kinder, Tile Shop shall look for and produce documents that mention Pan Zhang and/or Jian Zhang, as well as documents regarding the formation, ownership, control, or operation of Beijing Pingxiu from January 1, 2008 through December 31, 2009.

b. For custodian Adam Rucker, Tile Shop shall look for and produce documents that mention Pan Zhang and/or Jian Zhang, as well as documents

regarding the formation, ownership, control, or operation of Beijing Pingxiu from January 1, 2008 through March 31, 2014.

c. Search terms shall include: bp or pingxiu or “Beijing pin!” or “Beijing Pingxiu” or Zhang or Zhangs or zang or jang or jian or pan

3. All prior consistent orders remain in full force and effect.

4. Failure to comply with any provision of this Order or any other prior consistent order shall subject the non-complying party, non-complying counsel and/or the party such counsel represents to any and all appropriate remedies, sanctions and the like, including without limitation: assessment of costs, fines and attorneys’ fees and disbursements; waiver of rights to object; exclusion or limitation of witnesses, testimony, exhibits, and other evidence; striking of pleadings; complete or partial dismissal with prejudice; entry of whole or partial default judgment; and/or any other relief that this Court may from time to time deem appropriate.

Date: December 22, 2015

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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